

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
March 27, 2014

LET IT BE REMEMBERED, that the Collier County Hearing Examiner, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER MARK STRAIN

Also Present: Heidi Ashton-Cicko, Managing Assistant County Attorney  
Ray Bellows, Zoning Manager  
Nancy Gundlach, Senior Planner

HEARING OFFICER STRAIN: Good morning, everyone. Welcome to the March 27th meeting of the Hearing Examiner's Office. I almost said Planning Commission.

If everybody would please rise for Pledge of Allegiance.  
(Pledge of Allegiance was recited in unison.)

HEARING OFFICER STRAIN: Thank you.

Some housekeeping announcements. Individual speakers will be limited to five minutes unless otherwise waived.

All materials used during presentation at the hearing will become a permanent part of the record.

Unless -- decisions of the Hearing Examiner are final unless appealed to the Board of County Commissioners.

And the Hearing Examiner will render a decision within 30 days.

We have a modification to our agenda. Item 4.A, Petition No. PDI-PL20130002079, the Lands End Preserve Residential Planned Unit Development, has been continued until the April 10th meeting, I believe that's the next meeting up, due to the need for more information on some of their requests. They wanted to have a little more evidence for the record, so they'll be coming in at that time and they were granted a continuance for that reason.

We don't have any minutes for the prior meeting. Hopefully we'll have them by the next. We'll take care of that then.

And that will move us right into our first and only advertised public hearing for today. Petition No. SV-PL20130002415, the City Mattress of Florida, Inc., for a sign variance in the Target -- Super Target Shopping Center on Immokalee Road.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.  
(All speakers were duly sworn.)

HEARING OFFICER STRAIN: Okay, disclosures on my part. I've talked to the applicant in a meeting before they even submitted. I've talked to applicant's -- one of the applicant representatives yesterday and I've had numerous meetings with staff.

I had a lady call from The Strand concerned about the signage on Immokalee Road. I carefully explained to her this is not for Immokalee Road. And I don't know if that was effective or not, but that seemed to be what the call was about.

And I know staff has had a couple of other calls, and I'll get into what those were about as we get into the hearing.

So with that, are there any members of the public here wishing to speak on this item?

(No response.)

HEARING OFFICER STRAIN: Okay. So it's up to the applicant at this time, if they want to make a presentation. I have read everything, so the need for me to hear anything that isn't in the -- that is in the staff report isn't necessary. But if you want anything to add to the record, you're more than welcome to at this time.

And I'll ask when we finish discussing with staff, if there's anything else you may want to add at that time as well. It's your meeting. So you want to come to the microphone, let me know if you'd like to add anything to the record?

MR. COOK: Thank you, Mr. Hearing Examiner, staff. Thank you for your time and help on this matter. It's been a great process. We appreciate your time.

Jonathan Cook, Cook Architecture and Design.

We have read the staff recommendations and are very pleased with them. Our original intent was for a 150 square foot sign. That was based on there are three towers on the project that face the three major frontages, and trying to make them all similar as part of the architectural design review. That was the reason for the sizing request.

I think staff has agreed with us on the need request, as they've mentioned. There's two parts of the variance. So our first choice obviously would be the 150 square foot sign, but we're pleased with the staff recommendations. Thank you.

HEARING OFFICER STRAIN: Great. Thank you very much.

And just for the record too, I did visit the site to try to understand the need for the sign in the rear and the sizing of it. I have to concur with the staff's recommendation that the 60 foot is warranted, the 150 did seem excessive for the parking lot directory in the back.

Does staff have any comments or a staff report?

MS. GUNDLACH: Yes. Good morning, Mr. Hearing Examiner. Staff is recommending --

HEARING OFFICER STRAIN: That's awkward. We have to think of a better name.

MS. GUNDLACH: We can talk about that later.

Staff also performed a site visit and staff is recommending approval of the third wall sign limited to the south facade elevation at 60 square feet.

HEARING OFFICER STRAIN: Okay. And just so the record's absolutely clear, this variance is not for the sign that's facing Immokalee Road, it's not for the sign that's facing I-75, it's only for the sign that's facing the parking lot of the Super Target; is that correct?

MS. GUNDLACH: That is correct.

HEARING OFFICER STRAIN: The other signs that they have are consistent with our code, they're allowed by our ordinances, and there is no deviation or variance needed for those.

MS. GUNDLACH: Yes, I have confirmed that with our sign expert, Diana, and they are consistent with our Land Development Code.

HEARING OFFICER STRAIN: And Diana, I want to thank you for all the help you've provided in helping me understand all the particulars of this. You did a great job.

I also know now that the Target sign is 538 square feet, which is rather large. And since they're requesting a reduction to 60, it certainly puts theirs in line with the rest of the smaller out-parcels in that shopping center, which is what I observed when I went there. Those are all good things.

As far as the items for exhibits in this particular case, Exhibit A will be the legal advertisement. Exhibit B will be the staff report. And I don't believe there are any new exhibits introduced today.

So with that in mind, the applicant has accepted the recommendation by staff, and I don't believe there's anything else to discuss.

Is there any further comments needed?

MR. COOK: (Shakes head negatively.)

HEARING OFFICER STRAIN: The applicant is shaking his head no.

So with that, we will -- I'll advise you that within 30 days you'll have a decision rendered. Usually it takes a lot less. So I expect this will get back to you before sometime next week.

And with that, this particular item is over.

Anything else, Heidi? You okay with everything?

MS. ASHTON-CICKO: No, I don't have anything further.

HEARING OFFICER STRAIN: Just want to make sure I didn't miss everything.

Okay, thank you all very much for coming. And you'll have a decision in 30 days.

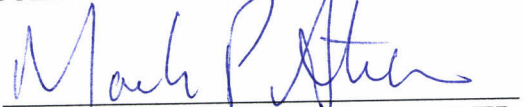
With that, I don't believe there's any new information for today's meeting. Let me double check to make sure.

Other business, no. With that, this meeting is adjourned. Thank you all very much.

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There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:06 a.m.

COLLIER COUNTY HEARING EXAMINER

  
MARK STRAIN, HEARING EXAMINER

March 27, 2014 HEX Meeting

ATTEST:  
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on April 24<sup>th</sup> 2014 as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF  
GREGORY COURT REPORTING SERVICES, INC.  
BY CHERIE' R. NOTTINGHAM, CSR, COURT REPORTER AND NOTARY PUBLIC